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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,395	02/12/2004	Doyle Malvin Burdette	HZL-01	5785

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EXAMINER

LOFDAHL, JORDAN M

ART UNIT	PAPER NUMBER
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3644

DATE MAILED: 12/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/777,395

Applicant(s)

BURDETTE ET AL.

Examiner

Jordan Lofdahl

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-12, 16-26, 28-35, 37, 40-51, 54 and 57-59 is/are rejected.
- 7) ☒ Claim(s) 3, 13-15, 27, 36, 38, 39, 52, 53, 55 and 56 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/12/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Specification

The disclosure is objected to because of the following informalities:

Page 1, line 16, "fish=s" should be --fishes--.

Appropriate correction is required.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the fly nap stitched to the interior drum surface, the end cap stitched to the band tip and the end cap riveted to the band tip must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the

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changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claims 1 and 25 are objected to because of the following informalities: "at least on end cap" should be --at least one end cap--.

Claim 1, lines 3 and 4 is objected to because of the following informalities: the second recitation of "an exterior drum surface" should be removed or a "second exterior surface" be recited

Claims 1, 4, 18, 25 and 28, "a fastening" should be --a fastener--.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 1, 2, 4-11, 13, 18-26, 28-35, 37, 40-51, 54, 57 and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keilholz (2707583) and further in view of Volmer (5950352).

As to claim 1, Keilholz discloses an openable drum (10) including an interior and an exterior surface; a fastening (34); a band (22) including at least one band tip (36) overlapping the exterior drum surface (fig. 2); at least one end cap (32) affixed to the band tip; an attachment (30); whereby the fly pack can be opened and accessed at either end. Not disclosed is a fly nap in the interior of the drum. Volmer, however, discloses a fly pack 9104) including fleece within the side walls (col. 10; lines 15-18). It would have been obvious to one having ordinary skill in the art at the time the invention was made to comprise the interior surface around the window of Keilholz, with the fleece of Volmer, to create a means to support and protect the flies from shock and vibrations.

As to claims 2, 19, 26, 41 disclosed is leather that is inherently weather resistant.

As to claims 4, 20, 28 and 42 disclosed are snap fasteners (34).

As to claims 5, 21, 29 and 43, disclosed is a device, as modified, with the nap attached to the interior of the interior of drum. Not disclosed is the nap stitched to the interior drum surface. In the absence of any stated problems solved by or any stated

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advantage obtained by having the nap stitched to the interior of the drum surface as claimed in the instant invention, it would have been obvious to one of ordinary skill in the art at the time the invention was made to attach the wool to the interior of the drum by stitching. Further such modification is merely an alternate equivalent attachment means performing the same intended function.

As to claims 6, 22, 30 and 44, disclosed is a device, as modified, with the nap attached to the interior of the interior of drum (the nap is read as being bonded to the interior of the drum).

As to claims 7, 23, 31 and 45, disclosed is a fleece, which is another term for wool.

As to claims 8, 24, 32 and 46, disclosed is a fleece. Not disclosed is a synthetic fleece. It would have been obvious to one having ordinary skill in the art at the time the invention was made to comprise the nap of synthetic fleece; since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

As to claims 9, 33 and 48, disclosed is the band stitched to the exterior drum surface (24; fig. 3).

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As to claims 10, 34 and 49, disclosed is the band bonded to the exterior drum (examiner reads the attachment of the band to the drum as a bond).

As to claims 11, 35 and 50, disclosed is a flexible band.

As to claims 13, 37 and 54, disclosed is the end cap bonded to the end tip (although the end cap and band tip are made of the same material, they are still read as being bonded together).

As to claim 17, disclosed is a belt loop (30).

As to claim 18, disclosed is a drum with an interior and exterior drum surface (10); a fastening (34). Not disclosed is a fly nap in the interior drum. Volmer, however, discloses a fly pack (104) including a fleece within the side walls (col. 10, lines 15-18). It would have been obvious to one having ordinary skill in the art at the time the invention was made to comprise the interior surface around the window of Keilholz, with the fleece of Volmer, to create a means to support and protect the flies from shock and vibrations.

As to claim 25, Keilholz discloses an openable drum (10) including an interior and exterior surface; a fastening (34); a band (32 or 38) including at least one band tip (36 or 40) overlapping the exterior drum surface (fig. 2); at least one end cap (32 or 38, the

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band also functions as an end cap) affixed to the band tip; whereby the fly pack can be opened and accessed at either end. Not disclosed is a fly nap in the interior of the drum. Volmer, however, discloses a fly pack (104) including fleece within the side walls (col. 10, lines 15-18). It would have been obvious to one having ordinary skill in the art at the time the invention was made to comprise the interior surface around the window of the Keilholz, with the fleece of Volmer, to create means to support and protect the flies from shock and vibrations.

As to claim 40, disclosed is method of providing an openable drum (10) including an interior and exterior surface; providing a fastening (34). Not disclosed is providing a fly nap on the interior drum surface. Volmer, however, discloses a fly pack (104) including fleece within the side walls (col. 10, lines 15-18). It would have been obvious to one having ordinary skill in the art at the time the invention was made to comprise the interior surface around the window of the Keilholz, with the fleece of Volmer, to create means to support and protect the flies from shock and vibrations.

As to claim 47, disclosed is the step of providing a band on the exterior of the drum and at least one band tip overlapping the exterior drum surface (fig. 2).

As to claim 51, disclosed is the step of providing an end cap (32) carried by at least one band tip (36) overlapping the exterior drum surface (fig. 2).

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As to claims 57 and 59, disclosed is an attachment which is a belt loop (30).

Claims 16 and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keilholz (2707583) in view of Volmer (5950352) and further in view of Thorn (2548080).

As to claims 16 and 58, not disclosed is clasp. Thorn, however, discloses a clasp (6a, 6 and 7). It would have been obvious to one having ordinary skill in the art at the time the invention was made to comprise the device, as modified, of Keilholz, to create quick disconnect attachment means.

Allowable Subject Matter

Claims 3, 12, 14, 15, 27, 36, 38, 39, 52, 53, 55 and 56 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jordan Lofdahl whose telephone number is 703.605.1217. The examiner can normally be reached on m-f 9-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teri Luu can be reached on 703.305.7421. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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